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THE NATIONAL MOVEMENT IN THE REIGN OF HENRY III.

AND ITS

CULMINATION IN THE BARONS' WAR

ERSTER THEIL

INAUGURAL-DISSERTATION

ZUR

ERLANGUNG DER DOKTORWÜRDE

DER

HOHEN PHILOSOPHISCHEN FAKULTÄT DER
RUPRECHT-KARLS-UNIVERSITÄT ZU
HEIDELBERG

VORGELEGT VON

OLIVER HUNTINGTON RICHARDSON
AUS SPRINGFIELD
IM STAATE MISSOURI, U.S.A.

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Mit Genehmigung der Fakultät wird hier nur die Anfang der Arbeit veröffentlicht. Das Ganze ist im Verlag The Macmillan Company in New York 1897 erschienen.

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CHAPTER I

THE FORCES WHICH MADE ENGLAND A NATION IN THE REIGN OF HENRY III.

PART I

Introduction: Primary Forces

The reconciliation of individual freedom with social order is an ever-recurring problem whose solution has varied with each stage in the world's evolution and with the peculiar factors which constitute the life of different social groups. At the time of its inception, at least, feudalism was a form of government which allowed to the individual the maximum of personal liberty compatible with the maintenance of even tolerable order within the limits of the state and protection from foes outside its borders. It was the spontaneous and inevitable creation of the liberty-loving Teuton when confronted with forms of life more complex than those of his ancestral forests. Liberty tended to degenerate into license; the centrifugal forces of the social world to overcome the centripetal; and the natural outcome of unrestrained feudalism was practical social anarchy. Frequently, however, the force

of the action engendered a reaction of corresponding magnitude, and a highly centralized form of government was the result.

William the Conqueror, after his experiences with the turbulent vassals of Normandy, was not likely to neglect in the establishment of his rule in England the vantage offered by the undefined prerogative of an English king. If feudalism was introduced into England by the Conquest as the result of repeated confiscations of the estates of all who refused to recognize him as the lawful successor of Edward the Confessor, it was introduced not so much as a system of government as a mode of land tenure, and the worst feature of continental feudalism was abolished by the anti-feudal law[1] of the Gemot of Salisbury Plain. The government of William I. and his immediate successor was practically despotic, but necessarily so; order in a government based in reality upon race-differences — however disregarded in theory — could be secured only through absolutism. The world-struggle between individual liberty, typified in England by Anglo-Saxon local customs, and good order, typified by royal supremacy, had entered in England upon a new phase.[2] Speaking broadly, from the accession of William I. to the loss of Normandy under John, good order was maintained by the union of crown and English people against the baronage, — but at the expense of liberty: from the loss of Normandy to the reign of Edward I.

[1] Stubbs' Select Charters, pp. 81, 82.

[2] Cf. Fiske's Beginnings of New England, chap. I.

liberty could be secured only by the union of barons and people against the crown, — but at the expense of good order. The road to permanent order *and* freedom led through the disorders of the Barons' War to the establishment of a parliamentary system. During the whole of this period the relation of the English church to the germinating constitution and to the Papal See was of paramount importance.

The character of the church in England had already been largely determined before the arrival of the Normans. Though abundantly grateful to the power which had founded and so carefully cherished it in its early days, — a gratitude evinced by the ready payment of Peter's pence, by the labours of many a missionary upon the continent, and in particular by the vast services of Winfred in favour of papal prerogative, — the church had been, nevertheless, at an early date stamped with the national seal. It is especially characteristic, that at a comparatively early period the sons of illustrious houses became enrolled among its members ;[1] that the clergy, ecclesiastical having preceded political unity, speedily exercised a healing influence upon state affairs ; then, later, as members of the witenagemot, influenced greatly the action of the central administration, while in the shire-moot, the highest organ of local government, the bishop exercised concurrent jurisdiction with the ealdorman. The clergy, composed of all classes in the community, identified com-

[1] Gneist's Englische Verfassungsgeschichte, p. 8.

pletely with the government of the state, and having as their especial duty the care of the weak and oppressed, naturally acquired a national feeling more profound than existed in any church upon the continent. Moreover, the See of Rome was too distant to raise effective claims to the immediate headship of a community which was neither accustomed nor inclined to separate authority from personal presence.[1]

To the attribute of nationality was therefore joined the attribute of an independence which was almost perfect as regarded the pope, less so with respect to the king.[2] In each case its basis was necessarily the strength afforded by national sympathies and popular support. The importance of this strong feeling of nationality existent in the English church before the Norman Conquest, and of the identity of interests established at that time between the masses of the clergy and the people, though too obvious to be overlooked, is too great not to be mentioned. Upon this thread hung the future liberties of England. The Norman Conquest, with all the changes which it introduced into the government of church and state, and into the mutual relations of church and state, never permanently shook this elemental force. Under the first sovereigns of Norman race, it was the best guarantee

[1] Gneist, Eng. Verf. Gesch., p. 29. Cf. Stubbs' Constitutional History, I., p. 267.

[2] For opposing views as to the king's share in the appointment of bishops, cf. Stubbs' Const. Hist., I., p. 150, and Gneist, pp. 29, 30. My indebtedness to these two authors, in this Introduction, demands a general acknowledgment.

against feudal anarchy; under Stephen, it emerged as the only organized power whose integrity had not suffered serious loss; under John, its alliance with the baronage offered the decisive check to royal absolutism.

While the church in Norman and Angevin England maintained close and on the whole friendly relations with Rome, it is evident that pope and church were by no means synonymous terms, and that the policy of the latter frequently ran directly counter to that of the former. For this Englishmen can scarcely be too thankful; in the great crises in which the popular liberties were at stake in its early history, the English church, almost uniformly, warmly championed the cause of freedom; papal authority at the most only succeeded in temporarily paralyzing its action, never in making it abjectly subservient. The first great crisis for papal power in England occurred in the latter days of Henry II. and John, terminating with a seeming papal victory; the religious crisis in John's reign blended with the political movement which evoked the Magna Charta and led to the critical periods of the reign of Henry III.; these were crises for English national existence and the English system of representation, and in them the pope was the steady antagonist of English liberty. That after victory he counselled moderation from motives of policy is the highest praise which he can rightly claim.[1]

[1] Gualo's case is only an apparent exception; during John's reign, Innocent had done his worst against English freedom, supporting the

The national character of the English church was preserved at the Conquest mainly through two causes: first, the bulk of the lower clergy remained Saxon and retained the Saxon speech, while their influence, largely expended in protecting the conquered race from the oppression of the nobles, necessarily became weightier and weightier as the fusion of races progressed; second, the admirable position of William I. and Lanfranc toward one another assured their joint resistance to unreasonable papal demands. Said William to Hubert, the legate sent by Gregory to request more regular payment of Peter's pence and to demand fealty, "The one claim I have admitted, the other I have not; I have refused to do homage and still refuse, because I have neither promised it myself, nor do I learn that my predecessors have done it to yours."[1] Upon this statesmanlike declaration and upon the first of his three celebrated canons,[2] William sought to assure the freedom of the church from Rome.

He himself remained its master, but on terms which his Angevin successors found themselves unable to maintain. Under William, ample security for the obe-

tyranny of a king whose power was largely based on foreign mercenaries; and if Honorius, through Gualo, helped to drive out Louis of France, it was with the intention of securing Henry's power. No one can doubt that the cassation of charters of liberty was more congenial to the popes than their confirmation.

[1] Lanfranci Opera, I., p. 32. For correspondence between Gregory and William, Lanfranc and Gregory, *vide* Freeman, Norman Conquest, IV., pp. 432–437.

[2] Eadmer, Hist. Nov. apud Sel. Chart., p. 82. Migne, Pat. Lat. T. 159, p. 351.

dience of the church was found in the necessity for the royal confirmation of the decrees of provincial synods; in the prohibition to excommunicate a crown-vassal or officer without the king's consent; in the establishment of the dual character of ecclesiastics as at once clerk and feudal vassal; and in the rigid supervision of episcopal elections.[1] The celebrated decree of separation,[2] however, by which bishops and archdeacons were forbidden to hold pleas in the hundred-court or to bring any matter pertaining to the cure of souls before a lay tribunal, but instead were ordered to establish courts of their own in which all cases were to be tried by ecclesiastical law, was full of danger. However admirable the mutual intentions of prelate and king, and however well adapted to the reforming spirit abroad in the church this measure might be, yet, as Pearson[3] expresses it, "When William I. and Lanfranc concurred in a policy which dissolved the old union of the two bodies politic, they had unavoidably placed them in a condition of suppressed antagonism." Such great concessions had been made to the church and in such vague language, that encroachments were sure to follow as soon as the state fell into weaker hands. The actual results of a century of separation were that the clergy found law and discipline in the canon law alone; their ideal, in separation from the laity; and that a strong party, especially among

[1] Sel. Chart., p. 82.
[2] Rymer, I., p. 3. Sel. Chart., p. 85.
[3] Pearson, I., p. 495.

the monks, stood decisively upon the side of Rome.[1] To the archbishop of Canterbury the papal confirmation became speedily as essential as the royal, and Innocent III. could successfully nominate Langton in defiance of John; the mode of election to bishoprics varied from the congé d'élire[2] of Henry II. to the absolute renunciation of royal right to interfere, contained in John's Charter[3] of Nov. 21, 1214; and in 1204, at the consecration of Peter des Roches, the pope "laid down the rule that where the electors have knowingly elected an unworthy person they lose the right of making the next election."[4] As the crown had already lost the right to determine contested elections, the appointment in such a case pertained to the pope.

Legatine authority also greatly increased, as well as the custom of appeals to Rome. During the turbulent reign of Stephen such encouragement had been given to papal interference and the clergy had become as a body so independent[5] of the king's control, that Henry II. found himself face to face with a most difficult problem. If the secular authority were not to become impotent, drastic measures must at once be taken. The result was the Becket controversy.

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[1] Gneist, Eng. Verf. Gesch., p. 193.

[2] Sel. Chart., p. 140, cap. XII.

[3] *Ibid.*, pp. 288, 289.

[4] Stubbs' Const. Hist., III., 313.

[5] From Stephen's second Charter, Sel. Chart., p. 120. Ecclesiasticarum personarum et omnium clericorum et rerum eorum justitiam et potestatem et distributionem bonorum ecclesiasticorum in manu episcoporum esse perhibeo et confirmo.

Undoubtedly the Constitutions of Clarendon contained the true statement of English law and English custom, and as such were accepted by barons and bishops, — by all, that is, except Becket and his immediate followers, the monks. Henry's glorious victory, however, was ruined by his own precipitation and rashness; Becket's murder was followed by a popular reaction, and the king was forced to the double humiliation of Canterbury and Avranches.[1] Appeals to Rome were henceforward allowed, and no clerk, though convicted of crime, was to be summoned before a temporal judge. Important in form as these concessions were, other consequences still more important resulted indirectly from this struggle. First, a limit had been set to the royal absolutism. Second, Henry's attention had been drawn from foreign affairs, and his whole strength confined to England, at exactly that moment when projects of foreign conquest must have seemed, and were, most feasible. The acquisition of Poitou and Guienne through the marriage with Eleanor was fated to cause England a sufficiency of suffering in the reign of Henry III.; it may well be that the controversy with Becket prevented England from sinking into the position of a French subject-province. In a certain sense, therefore, if this conjecture be allowed to stand, the controversy must be ranked as analogous to the loss of Normandy in helping to make England, England. Third, to resist the

[1] Benedictus Abbas, pp. 34–36. For practical result, *vide* Green, History English People, I., p. 178.

archbishop successfully, the king had been forced to call upon the baronage for support; and to resist the Canon Law, Anglo-Saxon institutions and customs had been cited:[1] the appeal ultimately proved dangerous to the crown, — memories of the witenagemot were stirred in the minds of its higher vassals, the lower baronage began to find community of interests with Saxon free-holders, and after Normandy had been lost and race-fusion fairly begun, the movement culminated in the Magna Charta.[2]

Reference has been already made[3] to the connection of the religious crises of Henry II. and John with the political crises of the same monarchs and Henry III. As early as 1204 by the appointment of Peter des Roches as bishop of Winchester, and again, still more unmistakably, two years later by the method of Langton's election, Innocent III. had defined his position toward the independence of the English church; it was reserved for following years to display in its fulness his baleful influence upon English popular liberties.

But while the pope was posing as the champion of despotism, England reaped the benefit of possessing a church long the depository of constitutional law, and which was national and independent by heredity. If bishop Roger of Salisbury had been the creator of constitutional machinery, Stephen Langton, archbishop

[1] *Vide* Preamble to Constitutions of Clarendon, Sel. Chart., pp. 137, 138.

[2] Pauli, Simon von Montfort, pp. 2, 3. [3] *Supra*, pp. 5, 9.

of Canterbury, was by his political genius and legal ability to be the main force in converting a constitution largely unwritten and vague, into one written and definite. In Magna Charta itself the liberty of the English church is assured in the first article, and a second guarantee for its freedom occupies the most prominent place in the enacting clause at the end of the document, — silent witness to its prominence in the national movement.

While the church of England since the Conquest had become more and more Romanized, more highly centralized, and more independent of royal control, — without, however, losing its national vigour, — the political government of England had been slowly changing from an absolute to a limited monarchy. Anglo-Saxon institutions of local self-government, depressed by the Conquest, had been revived in proportion as the king had found himself obliged to rely upon the support of the native English; the royal courts, under Henry II., had expanded into a kind of national assembly, and the very machinery of government by which the king exerted his power limited the facility of arbitrary action; cities had been granted charters, — notably London, which, if it did not play in England the commanding rôle of Paris in France, nevertheless, in the crises under John, Henry III., and even as late as the Wars of the Roses, gave always a temporary and sometimes a permanent advantage to its possessor; and finally, the new ministerial nobility of Henry I. and Henry II. had firmly established itself in the land. As the result

of the Conqueror's separation of church and state had proved disastrous to the royal prerogative, so now the fruit of his separation of manors was fully ripe. Already in numerous rebellions the barons had been forced to combine with one another; they were now compelled to court the assistance of the native English.[1] The extent to which the constitution had developed may be partly measured by the fact that the rebellion against John was largely the work of the ministerial nobility, and that their objections to foreign service were couched in terms[2] which a modern lawyer would call "special pleading," and which plainly show the decay of feudal spirit. The language, no less than the terms of the Great Charter, is a valuable witness to the growth of the constitutional power of the baronage. Already — and Normandy only eleven years lost — a foreigner could scarcely appreciate, much less administer, the laws of England.[3]

Under Henry II. and Richard, the crown had overstrained its power; for this, as well as for his own misdeeds, John paid the penalty. At best, the Angevin system of administration had been the work of the deus ex machina; it lacked utterly that vitality and organic unity which only a constitution expressive of

[1] Freeman, Norm. Conq., IV., p. 71. Taswell-Langmead, Eng. Const. Hist., p. 58, n. 2.

[2] Walt. Cov., II., p. 217. Sel. Chart., pp. 277, 278. Dicentes se propter terras quas in Anglia tenent non debere regem extra regnum sequi nec ipsum euntum scutagio juvare. Cf. Rad. Cogges., p. 872; Sel. Chart., p. 277, and Stubbs' Const. Hist., I., p. 563, n. 3.

[3] *Vide* Matthew Paris, III., p. 252, and *infra*, p. 69.

popular life and crystallized custom can possess. It was too complete a system for the national incompleteness. The reigns of John and Henry III. cannot be logically separated; the great problem of each was the same. The growing nation had to grow into a national form of government, and the only government possible for a reviving Anglo-Saxon community was a free one. This made the reign of Henry III. an epitome of English history. A conflict, then, between the royal power and popular liberty was inevitable; John's conduct hastened it. Both sides sought to strengthen themselves by alliances, and in the character of these alliances as well as in the conduct of the struggle, the character of the reign of Henry III. was already foreshadowed.

Since John and Innocent had united in the consecration of Peter the Poitevin to the See of Winchester, they had been at variance till May 15, 1213. At that time in dire distress, John took a step which, while it left no permanent mark upon the English constitution, was of paramount importance throughout the reign of Henry III. Because he had offended God and Holy Church so deeply as to be greatly in need of the divine mercy, and because no other sign of repentance save the humiliation of himself and his kingdom was adequate to the occasion, — such is the tenor of the document,[1] — John, led by the inspiration of the Holy Ghost, not constrained by force nor driven by fear, but

[1] Rymer's Fœdera, I., pp. 111, 112. Sel. Chart., pp. 284–286.

through his own free-will and with the assent of the baronage of England, freely yields up his kingdom to Innocent and his Catholic successors, receiving it back as a fief and paying 1000 marks per annum as a token of perpetual obligation and concession. Peter's pence was to be paid as before, and liege homage to be performed[1] if John and the pope met. Had John lived long enough to be victor in the contest for absolute power, he would probably have proved as faithless to this oath as to all others, and it would have passed harmlessly away: as it was, he lived just long enough to welcome papal legates and to give the pope every opportunity to turn the parchment pledge into actual practice, and then died,— leaving a minor heir to take the same oath, to be burdened with the same tribute, to pass his life under the same ecclesiastical tutelage which formed his early character, and to allow the See of Rome through its legates to attain a height of power in England never equalled before or since. In the light of papal exactions throughout Henry's reign, and especially in connection with the Sicilian crown, the last words[2] of John's oath read like a mocking prophecy.

Eighteen months after John's surrender of England to the pope, the king was in worse plight than ever. Bouvines in France had been fought and lost, and in

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[1] Actually performed to Nicholas of Tusculum, Ann. Wav., pp. 277, 278.

[2] Patrimonium b. Petri . . . . adjutor ero ad tenendum et defendendum contra omnes homines pro posse meo. Rymer, I., p. 112. Sel. Chart., p. 286.

England the barons, assembled at St. Edmund's, had openly threatened war.[1] Probably in order to break the force of the coalition against him, John issued, Nov. 21, 1214, his "Carta[2] ut liberæ sint electiones totius Angliæ." Since the days of Henry I. elections[3] had been canonical in form and free in theory; John's Charter converted theoretical freedom into actual. Whenever a vacancy occurred in bishopric or monastery, the chapter could now meet as soon as it wished and fill the vacancy by a free election. A royal license had first to be obtained, but this was not to be denied or deferred. If it should be — "quod absit" — the election was nevertheless to be held and the choice to be valid and binding. However desirable this ecclesiastical freedom might seem to the church, John's Charter not only failed to detach it from his enemies, but also during the reign of Henry III. established "a freedom of litigation and little more."[4] It opened the door for the pope a little wider, but to this Henry himself was apparently not disinclined.[5]

In spite of John's exertions, the day of Magna Charta arrived: Innocent had not been able to save him. The sole resource was a Bull of Dispensation[6]

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[1] Mat. Par., II., p. 583.

[2] Sel. Chart., p. 288. Statutes of Realm, I., p. 5. Cf. Rymer, I., p. 126.

[3] For election of Roger of Salisbury, *vide* Sel. Chart., p. 288.

[4] Stubbs' Const. Hist., III., p. 315 and note.

[5] Cf. Mat. Par., III., pp. 169, 187.

[6] Rymer, I., pp. 135, 136. Cf. Pauli, Geschichte von England, III., p. 436.

and such further assistance in the way of diplomacy and excommunications as Rome's greatest pontiff could afford in such a crisis. The English church was paralyzed by the suspension of the great archbishop,[1] and for many a long year it remained under the domination of papal emissaries. The result of the struggle between John and Innocent, the powers of despotism on the one side, and the representatives of English freedom on the other, need not detain us. Ultimately young Henry was crowned, the Charters reconfirmed by the king and Gualo, Louis of France expelled, and under the healing policy of the great Earl Marshall and Gualo, wisest of papal legates, the realm was reduced to peace. But given the character of the young king, the character of his reign was already largely determined. Aliens were already in the land; John's Charter to the church was in full force; his oath of fealty to Rome had been renewed by Henry; the king was already a special object of papal regard and under papal influence; the Great Charter existed as the basic means for the preservation of national liberty; and the national church, baronage, and people, acting in unison, had achieved a triumph which — as an historical fact — doubled in a certain sense the value of the statute. Whatever the inadequacy of the Great Charter, as a rigid constitution for a growing nation, may have been, it certainly limited royal prerogative, guaranteed national rights, and furnished standing-

[1] Rymer, I., p. 139. Nov. 4, 1215.

ground for constitutional resistance to tyranny. As the winning of Magna Charta had been the first-fruits of English nationality, so in the evil days which followed the death of Stephen Langton the maintenance of its inviolability seemed to be the only pledge of continued national existence. As the administration of church and state fell more and more into the hands of aliens; as the folly and faithlessness of the king himself became more and more apparent; and as the peculiar character of governmental ills required the application of peculiar remedies, the "Struggle for the Charters" developed into a struggle for the principles which they implicitly contained, and for the logical extension of those principles as the sole guarantee for freedom and national existence. And so, in the course of time, the patriots of England raised the cry for the Provisions of Oxford as their fathers had done for the Great Charter, and their fathers' fathers for the laws of good king Edward. Although the chief importance of the Barons' War must always rest in its wonderful constitutional developments, yet to the men of the day the contest was not primarily a struggle for an ingenious political device, but to secure the right of native Englishmen to the enjoyment and fostering of their native heritage. The constitution was but a means to this end; the development of the constitution was necessarily based on Anglo-Saxon forces, and it naturally grew into the representative system. Through Magna Charta the barons had promised to the people their rights;

the Provisions of Oxford had given the barons power to fulfil their promise; but it was reserved for the genius of Simon de Montfort to accomplish its realization by placing the means for vindicating English liberty and nationality in the only hands qualified in the long run to achieve the task — those of the people themselves. A thorough investigation of the causes of the Barons' War — which are essentially the same as those of the Provisions of Oxford — can alone determine its true character in the widest scope with reference to the crown, the papacy, the English church and nation, and the constitution.

PART II

The Influence of the Friars

Prominent among the causes which awoke national instincts and won the Great Charter had been the loss of Normandy and the consequent exclusion of foreign interests. That English nationality deepened and broadened was largely due to an element of a very different kind, though itself of foreign origin. On the 11th of September,[1] 1224, a small body of men of unusual garb and appearance[2] landed at Dover. They were members of the order recently founded by Francis of Assisi and had been conveyed across the Channel by the charity of the monks of Fécamp.[3] Three of the nine, however, were of English birth. Following the track of the Dominicans who had preceded them three years before, they passed from Dover to Canterbury, thence to London and Oxford,[4] — part of their number remaining at each stopping-place. From such a humble beginning was destined to spring a movement which as "an instance of religious organization and propagandism is unexampled in the annals

[1] Thomas de Eccleston, De Adventu Frat. Min., p. 5.

[2] Chron. de Lanercost, p. 30. They were locked up as spies and thieves.

[3] Eccles., p. 7.

[4] *Ibid.*, pp. 7, 9. Trivet's Annales sex regum Angliæ, p. 209.

of the world."[1] Within a little more than thirty years their numbers had increased one hundred and forty fold, and they counted forty-nine convents.[2] Among the membership many men of good birth and great influence came speedily to be included,[3] for the requirements for admission to the order were framed to that intent, rather than to attract the lower classes. The applicant must "beleve of the Catholyk feith; be suspecte of no erroure; be not bound to matrimony; be not unlawfully begotten; be hoole of body; be prompte of mynde; be not in det; be not a bonde man borne; be of good name and fame; be competently lernyd, or ellis that he be of such conditioun that he maye profete the bretherne by laboure and his reception maye be grete edification to the peple."[4] Yet these requirements by no means explain the firm hold which the order obtained upon England; this came from its adaptability to the needs of the time.

In view of the share which the national church had borne in winning the Charter, its political popularity had perhaps never been greater than in the early part of Henry's reign; its spiritual influence, however, was sadly to seek. It has been already mentioned that during the first century after the Conquest the church

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[1] Brewer's Preface to Mon. Fran., p. xli.

[2] Eccles., p. 10. Dignum memoria quod secundo anno administrationis Fratris Petri, quinti ministri Angliæ, anno scilicet ab adventu fratrum in Angliam XXXII°, numerati sunt viventes fratres, in provincia Angliæ, in XLIX. locis, MCCXLII.

[3] Eccles., pp. 15–17. Multi probi baccalaurei et multi nobiles.

[4] Mon. Fran., App. VII., p. 574.

had become more and more Romanized, more and more hierarchical. As Rome herself through the acquirement of worldly power had lost, pari passu, her spiritual force, so also corruption and spiritual weakness had been engendered in England through contact with Rome and Roman methods. The biting sarcasm of Nigellus in his *Speculum Stultorum* shows how far degeneration from this source had gone by the time of Henry II. But farther than this, the Crusades had brought a Nemesis upon the church. The Saracens had not only not been Christianized but had actually paganized Christianity. Heretical ideas were imbibed from this source as well as from the study of Aristotle; strange thoughts, customs, even diseases, penetrated Europe from the East.[1] Naturally the towns, seats of commercial activity, were most affected by this movement. But precisely upon the towns, in England as elsewhere, the hold of the church was weakest. Not only had monks of early times chosen the country exclusively as their residence, but their claim to market rights and tolls had brought them into actual collision with many market-towns and boroughs.[2] A large and politically most important field of work was therefore almost wholly withdrawn from the action of the regular clergy, and either abandoned entirely or given over to the tender mercies of what was rapidly becoming a hereditary class of secular benefice-

[1] Mon. Fran., Pref., p. x.

[2] Pauli's Pictures of Old England. Otté's translation, Macmillan and Co., London, 1861, p. 44.

holders.[1] To complete the spiritual weakness of the church in England, the great secularizing conflict between pope and emperor was sustained, on the side of the former, largely by English resources. In regard to this struggle Matthew Paris writes[2] in 1239, "The reputation and authority of the pope have suffered disastrous loss; scandal has arisen and wise and holy men have begun greatly to fear for the honour of church, pope, and the whole body of the clergy."

Into this turmoil the Franciscans entered, throwing their whole heart and soul into their triple task of providing for the religious, physical, and mental welfare of the perishing population of the towns. They brought to the work their poverty, which made them one with the people, and even dependent[3] upon popular sympathy for their daily bread; their humility and devotion, which could hardly fail to win the hearts of those among whom they unweariedly laboured; their shrewd common sense and practical wisdom, such as befitted men thrown wholly upon their own mental resources in the quick reading of character, and deprived of the factitious aid of books.[4] Whether as preachers or

[1] Roberti Grosseteste Epistolæ, Ep. LII, pp. 159, 160. Mon. Fran., Pref., p. xiii.

[2] Mat. Par., III., 638. For the evil of the times, cf. Mon. Fran., Ep. Ad. xx., pp. 104, 105; Ep. xxxviii., p. 141. His diebus damnatissimis.

[3] Gifts to the friars in London varied from 6*d.* to 40*s.* Their smallness indicates the class from which they were received. Mon. Fran., pp. 493 *et seq.*; also Pref., pp. xli., xlii.

[4] St. Francis had answered a request for the ownership of a breviary, Ego breviarium, ego breviarium. Mon. Fran., Pref., p. xxxi. Green, I., p. 258.

teachers, their circumstances impelled them to base their appeals or instruction upon experience rather than on theory; the result could not be for a moment doubtful. What the monks and regular clergy had lost, these "missionaries to the towns" now won. Their unuttered philosophy of life struck even deeper root than their formal teaching. As the doctrines of Wycliffe undoubtedly fostered at a later date the socialistic tendencies inherent in the masses, so at this early period the thoroughly Christian democracy of the Mendicant Friars fostered the growth of the city commune,[1] which — in London especially — played such an important part in the Barons' War. It can scarcely be considered an accident that exactly in those towns in which the Friars had their firmest seats, the popular sentiment was most directly opposed to papal and royal tyranny, and in favour of reform in church and state. These two towns were London and Oxford.

In less than a month[2] after their landing, the Friars had reached the university-town and lost no time in letting their presence be felt.[3] Education played a no less important part in their general programme[4] than

[1] Ant. Leg., pp. 55, 61; Winton, p. 101; Wykes, p. 138.

[2] Landing Sept. 11, 1224, they left London for Oxford "ante festum Omnium Sanctorum," Eccles., p. 9.

[3] Eccles., pp. 17, 38. Et ita inundavit in provincia Anglicana donum sapientiæ ut ante absolutionem Fratris W. de Nothingham, essent in Anglia triginta lectores, qui solempniter disputabant, et tres vel quatuor, qui sine disputatione legebant.

[4] In 1225 their first warden at London established a night-school. Factus est gardianus laicus quidam Lombardus, qui tunc primo de nocte didicit literas in ecclesia b. Petri de Cornhulle. Eccles., p. 10.

it did at a later day in Germany among the Brothers of the Common Life, and still later among the Jesuits, — and with an equally notable success. The remarkable poem[1] on the Battle of Lewes alone would prove how deeply the Friars pondered politics, if other signs were wanting. But they are not. It was in Oxford, in 1238, that the legate Otho, in full pontificals, fled into the church-tower for safety, while the students searched for him with angry shouts:[2] "Where is that usurer, simoniac, and plunderer of benefices, who thirsts after gold, perverts the king, subverts the realm, and enriches aliens from our spoils?" Not to mention other stormy scenes, there arose a great strife[3] in the University at the end of 1258 between scholars of different races, Scotch and Welsh, Northerners and Southerners, in which many beneath the rival banners were killed or wounded. A later historian sees in this the prelude to the later war and a justification of the ancient rhyme[4] —

> Chronica si penses cum pugnant Oxonienses,
> Post pancos menses volat ira per Angligenenses.

A surer proof, however, of the political leanings and

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[1] Wright's Political Songs. Cf. Pauli, Tübinger Programm, pp. 28, 31.

[2] Mat. Par., Chron. Maj., III., p. 483. Ann. Mon. de Oseneia, pp. 84, 85.

[3] Mat. Par., V., pp. 726, 727.

[4] Wood, Hist. et Antiq. Univ. Oxon., I., p. 109. Certe bellum illud academicum in sequentibus regni tumultibus prælusisse, et antiquis hisce Rhythmis fidem fecisse videbatur, quoting MS. *Aurum ex Stercore* by Robert Talbot.

services of the Friars is seen in the mutual relations of the three great men to whom, more than to any others, the formation of a national-ecclesiastical party was due, — Adam of Marsh, a Minorite and the soul of the University of Oxford in his day ; Robert Grosseteste, the great bishop of Lincoln ; and Simon de Montfort.

In this movement Adam's importance is twofold : he is the intermediary between the University of Oxford and Grosseteste upon the one hand, and between Grosseteste and Leicester on the other. Of his two hundred and forty-seven letters preserved in the Monumenta Franciscana, one-third are addressed to these two men, sixty-two to Grosseteste. Such is the charm of the tender friendship which they reveal and so weighty is their information upon points of the greatest historical importance, that one is almost tempted to wish that *viva voce* intercourse had been curtailed, if so be the correspondence, voluminous as it is, could thereby have been increased.

The bishop of Lincoln was the Friars' staunchest friend. He desires to have them always with him,[1] enhances their influence by all means in his power, and defends them against their enemies. To the bishop of Lichfield he writes,[2] " We have heard that at Chester, in the presence of the people and some magnates, you bitterly abused the Minorites because they wished to live with the Dominicans there. This, if true, must have proceeded not from deliberation,

[1] Rob. Gross., Epist. XIV., XV., XX., XLI. Lanercost, p. 43.
[2] Rob. Gross., Epist. XXXIV., pp. 120-122.

but some sudden impulse. Your discretion knows how useful the presence and intercourse of the Friars Minors is to the people with whom they dwell, since both by the word of preaching and the example of a holy and heavenly conversation, and the devotion of continual prayer, they are indefatigable in promoting peace and in illuminating the country, and in this part supply in a great measure the defects of the prelates." Still more emphatically he adds, "Because, therefore, the conversation of the Minorites is the illumination of the people with whom they dwell to the understanding of the truth; since it is in life a guide, stimulus, and attraction to peace, is no slight supplement to the defects of the prelates among whom they dwell, and is the occasion of abundance, not poverty, to others who are needy; no true lover of good can deliberately repel such a good, but must rather attract it with his whole strength." In these words we have the clue to Grosseteste's reasons for championing the Friars: through their religious zeal and usefulness he hoped to shame the secular clergy into purity and energy, to check the rising flood of infidelity, and to regenerate the land. In this programme the University of Oxford bore a leading part.

Without the efficient aid of Grosseteste, the Friars could scarcely have obtained a lodgment there, and he may have even summoned them himself; at any rate, he became, in 1224, their first lecturer.[1] His interest

[1] Lanercost, p. 45. Gross. Ep., Pref., p. xxii. Eccles., p. 37. Sub quo inestimabiliter infra breve tempus, tam in concionibus quam prædicatione congruis subtilibus moralitatibus, profecerunt.

in the University never flagged thereafter. He plays the mediator in troubles between the students and the town, is active in the affair,[1] already mentioned, with the legate Otho, is consulted[2] by Adam in regard to the internal workings of the institution, and influences the character of the curriculum. Grosseteste had probably resided as chancellor[3] until 1235; meanwhile the Friars had been gaining possession of the chairs of theology in the University, largely through the efforts[4] of Adam of Marsh. That the bishop's sympathies were wholly enlisted on the side of this further development of theological studies, is shown by his remarkable letter[5] to the Regents of Theology. "Ye are builders of the house of God; the foundation-stones of his house are the Books of the Prophets — Moses among them; likewise the Books of the Apostles and Evangelists. There is a 'tempus fundandi' no less than a 'tempus ædificandi,' and that is the early morning hour." He seeks to model Oxford after Paris[6]

[1] For different versions, cf. Mat. Par., III., pp. 481–485. Dunst., p. 147. Burton, pp. 253, 254. Theok., p. 107.

[2] Adæ de Mar. Epist., Ep. XXII., p. 107.

[3] Wood, Hist. et Antiq. Univ. Oxon., II., p. 389. Pauli, Tübinger Programm, 1864, p. 12.

[4] Cf. Pauli, Tübinger Programm, pp. 20, 21. Bei solchen und ähnlichen Anlässen hauptsächlich scheint es gelungen zu sein den Minoriten ein in der That unvergleichliches Vorrecht zu erobern, das wesentlich zu ihrer Herrschaft an der Universität beigetragen hat.

[5] Rob. Gross., Epist. CXXIII., pp. 346, 347. Written *circa* 1240 or 1246.

[6] Rob. Gross., Epist. CXXIII., p. 347. Wood, Hist. I., p. 94. Innocentius . . . Episcopo Lincoln. Nos tuis supplicationibus inclinati, præsentium tibi auctoritate concedimus, ut nullum ibi docere in

and with brilliant success.[1] The foundation of the University jurisdiction[2] was probably laid by his jealous care, and as a last mark of his affection he bequeathed[3] his books to the Convent of the Oxford Minorites. The permanence of his influence is attested no less by the Oxford students' firm support[4] of de Montfort in the Barons' War, than by the formal statement[5] of the University in 1307 when it joined with Edward I. in the endeavour to enroll the great bishop's name in the calendar of saints. "Never was he known to abandon any good work pertaining to his office or his duty through fear of any man, but was ever ready for martyrdom if the sword of the smiter should smite him." When we consider that Oxford probably counted thirty thousand[6] students in these latter days, and weigh the political as well as the religious importance of the city in the troubles of the realm, we must assuredly rank Grosseteste's Oxford efforts high among the causes which made for the growth of English national sentiments and freedom.

It must not be supposed that Grosseteste's connec-

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aliqua facultate permittas, nisi qui secundum morem Parisiensem a te . . . examinatus fuerit.

[1] Rob. Gross., Epist. CXIV., p. 335. Mat. Par., V., p. 353. For Oxford's European reputation, *vide* Mon. Fran., Pref., p. lxxxi.

[2] Wood, Hist., I., p. 93, citing brief of May 10, 28 Hen. III.

[3] Trivet, Annales, p. 243.

[4] E.g., Chronicon Willielmi de Rishanger, p. 22. Walter de Hemingburgh, p. 311.

[5] Wood, Hist. et Antiq., I., p. 105. Rob. Gross. Epist., Pref., p. lxxxiv.

[6] Pauli, Tübinger Programm, p. 21, citing Huber, Eng. Univ. I., p. 117.

tion with Oxford and the Friars was formed with any avowed political purpose. Yet the religious and educational influence of the Friars and their whole system of independent thought could scarcely fail, when coupled with the political occurrences of the time, to bear political fruit. In their intimacy with Simon de Montfort, however, Grosseteste and Adam of Marsh were touching, more or less consciously, the very centre of political life and almost the sole hope of political freedom. It is certainly significant to find in the correspondence of Adam of Marsh an allusion to a treatise on tyranny[1] written by the head of the national-ecclesiastical party, sent to the Chancellor of the University of Oxford, and sealed with the seal of Simon de Montfort. The significance is doubled when in the same letter the statement occurs that Earl Simon is deeply[2] interested in Grosseteste's religious plans, and proposes, if possible, to organize a party for their realization. In addition, the zeal of the two friends for his general welfare, their sympathy for him in his troubles, exhortations to patience and long-suffering, advice as to his situation at court and how to improve it, together with actual help of the most important political kind,[3] attest their realization of his great value to the commonwealth. In a certain very true sense, de Montfort is their spiritual pupil,[4] and it can

[1] Ad. de Mar., Ep. XXV., pp. 110–112: "de principatu regni et tyrannidis." [2] "Supra quam a multis credi posset."

[3] Ad. de Mar., Ep. CXLI., p. 270.

[4] Cf. Rish. Chronica, p. 36, cited *infra*, p. 30, n. 1. Mat. Par., V.,

scarcely be doubted that the popular enthusiasm for the earl as the great champion of religious freedom was largely founded on his intimacy with Grosseteste. It is a touching, but unconscious, tribute, which one chronicler pays to both by closing the roll of the dead leader's virtues with the fact of this friendship.[1] There is a legend which testifies still more strikingly to their juxtaposition in the popular mind.[2] Just before the battle of Evesham a youth was brought to be healed at Grosseteste's tomb. He fell asleep, and on waking said that the holy bishop had gone to Evesham to the assistance of de Montfort, who was about to die there. It was even said[3] that Grosseteste had foretold earl Simon's death: "Laying his hand on the head of the earl's eldest son, he said to him, O fili carissime! et tu et pater tuus ambo moriemini uno die, unoque die et morbo, pro justitia." As de Montfort's success was dependent on his popularity and moral worth, this reputation was invaluable to him; while, conversely, his association with Grosseteste and the Friars enabled him to understand the working of the popular mind,

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pp. 415, 416. Lincolniensis, cui comes tanquam patri confessori extitit familiarissimus.

[1] Rish. Chronica, p. 36. Beato Roberto . . . adhærere (comes Legrecestriæ) satagebat, eique suos parvulos tradidit nutriendos. Ipsius concilio tractabat ardua, tentabat dubia, finivit inchoata, ea maxime per quæ meritum sibi succrescere æstimabat. Cf. Rish. Chronicon, p. 7. Ad. de Mar., Ep. XXV., p. 110, etc.

[2] Rish. Chronicon, p. 71, among the Miracula Simonis. Cited by Luard in this connection, Rob. Gross. Epist., Pref., p. lxxxvi, n. 3.

[3] Rish. Chronicon, p. 7. For variation in wording, *vide* Rish. Chronica, p. 36.

to sympathize with popular objects, and ultimately to incorporate the people in his general plan of government. There exists apparently no other reason for Simon's superiority to the rest of the English baronage in the breadth and democratic character of his views, than his deeper piety and constant intimacy with the Minorites and their supporters.

The history of the many abortive attempts during Grosseteste's life to control royal misgovernment had shown clearly — and events after the meeting of the parliament of Oxford were to show still more conclusively — that the baronage as a secular power, influenced by selfish aims and torn by discord, was unable, single-handed, to solve the problem. It was the misfortune of the church to lie at the mercy of king and pope, who usually combined their powers for extortion. Even when the royal caprice resisted papal exactions, the clergy dared not lean for support on such a shaking reed.[1] The church, moreover, had been fatally weakened by the intrusion of foreigners into its highest offices and by excessive taxation; and the baronage had viewed its struggles with indifference until it was discovered that, in proportion as the clergy were impoverished, the national burdens pressed with additional force upon the laity.[2] In these circumstances Grosseteste did all that man could do. He resisted

[1] Mat. Par., IV., p. 559. Multi itaque prælatorum, timentes regis in hoc suo concepto proposito instabilitatem et consilii regii pusillanimitatem, partem papalem confovebant (1246).

[2] Lingard, Hist. of England, III., p. 115.

papal tyranny, rebuked royal extortion and the misgovernment of both church and realm, and in so far as was possible, encouraged an alliance between church and baronage. At the great reform parliament of 1244, the final word had lain with him. The king had produced a papal letter, and both by messengers and in person, had tried to induce the clergy to break their union with the baronage and grant him a separate aid. Grosseteste brought the discussion to a close by referring to the agreement with the barons, and uttering the prophetic words:[1] "We may not be divided from the common council, because it is written, 'If we are divided, we shall forthwith all die.'" His indirect influence through the Friars and the University of Oxford, as well as upon Leicester, has been already noticed. The result was, that although the time was not yet ripe for action, since oppression had not yet fused the elements of resistance into one, he had laid the foundations of a party which was to combine zeal for religious freedom with aspirations for national and political independence. His letter[2] to the Lords and Commons of the Realm and the Citizens of London is a trumpet-call to battle. It is an "appeal to the faithful children of the venerated English church in behalf of their fostering mother to restore her to her former state of peace, usefulness, and plenty." "The church is being worn out by constant oppressions; the pious

[1] Mat. Par., IV., pp. 362–366.

[2] Rob. Gross., Epist. CXXXI., pp. 442–444. Dated in 1252, according to Luard.

purposes of its early benefactors are being brought to nought by the confiscation of its ample patrimony to the uses of aliens, while the native English suffer. These aliens are not merely foreigners; they are the worst enemies[1] of England. They strive to tear the fleece and do not even know the faces of the sheep; they do not understand the English tongue, neglect the cure of souls, and impoverish the kingdom. Unless the speediest remedy is found, the church of England, anciently free, will be laden with a perpetual tribute through appeals to Rome and through the impositions, reservations, and provisions of the Apostolic See, whose claims, on account of the too great patience of Englishmen — nay, rather their folly — increase in extent from day to day. Therefore, let the noble Knighthood of England and the illustrious Commonalty of London and the Realm manfully rise to defend their fostering mother. Let them see to it, and know if it be fitting and expedient that the English be as sheep which bear fleeces, and oxen which carry yokes, not for themselves, but for others. That the realm of England may recover the pristine glory of its now tarnished name, that it may laudably perform its divine functions, and be strong to resist the spiritual enemies who cast their lustful eyes upon it, let the secular power be effectively armed to resist encroachments, and let the treasury be preserved for the sons of the soil. This will verily redound not merely to the unspeakable advan-

[1] Capitales inimici.

tage of the land itself and the perpetuation of its people's fame, but also to the glory of God." The year after this appeal was published, a noble victory seemed to have been won. With unusual solemnity the Great Charter was confirmed; fourteen bishops with bell, book, and candle excommunicated all infractors, and at the awful moment when the candles were extinguished and the words of the curse, "So may all who incur this judgment be extinguished and stink in hell" fell upon the startled air, the king exclaimed: "May God so help me as I shall faithfully maintain these things inviolate, as I am man, as I am Christian, as knight, and king crowned and anointed."[1] Grosseteste was one of the officiating bishops, but future woes seemed to oppress his prescient spirit, and one of his last public acts was to cause the Great Charter to be proclaimed throughout the length and breadth of his great diocese of Lincoln.[2] Upon his death-bed — if we may trust the great national chronicler[3] — his last words were a prophecy: "Nor will the church be freed from the bondage of Egypt, except at the point of the bloody sword; but these things now are light, yet in short space of time — within three years — heavier burdens are to come."

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[1] Mat. Par., V., pp. 375–377. Rymer, I., pp. 289, 290. Burt, pp. 305, 306. Wav., p. 345. Liber de Ant. Leg., p. 18.

[2] Mat. Par., V., p. 378. Robertus præconizans in corde suo, et timens ne rex a pactis resiliret, fecit . . . excommunicare solempniter, in qualibet ecclesia parochia per diocesim suam, quæ præ numerositate sua vix possunt æstimare . . . infractores.

[3] Mat. Par., V., p. 407.

He had already[1] said that the Roman court, to work its wicked will, had made the king partaker in its crimes. The second statement explains the first, for the iniquities of pope and king had become so inextricably linked together, that both or neither must be assailed. Only with reference to this coming dual struggle can Grosseteste's prophecy and his life-work be correctly understood. Simon de Montfort, as at once the heir of Grosseteste's religious views and political sympathies,[2] and as the practical head of the English baronage, combined in his own person all the highest aspirations of the period, and inevitably became in the fulness of time the head of the national movement.

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[1] Mat. Par., V., p. 407.

[2] Cf. Rish. Chronicon, p. 7. It was the preaching of the Friars after Evesham, and their use of Simon's life and deeds as a subject, which first revivified the national party. *Vide infra*, p. 198, 199, and n. 1.

CHAPTER II

THE FORCES WHICH ROUSED ENGLAND TO ARMED RESISTANCE

PART I

The Poetical Literature

Admirers of national songs and ballads have frequently ascribed to them marvellous power in shaping the destinies of nations, placing them in this respect above the laws. This on the broad scale may be true or false; to discover the exact influence of the songs of a particular period is the more important task, and it frequently baffles the historian. Thirteenth-century England is no exception to this rule: songs which mirrored the times existed in greater or less profusion, but the bare fact of existence is not infrequently the sole witness to their power. It is certain that they were composed by men whose interest in current events was deep, and that they afforded expression to popular opinion. Their subject-matter and the language in which they are written point unmistakably in most cases to the clergy as their authors, but there our knowledge ends.

In other instances, however, — and as good luck will have it, the most important ones, — the very fact of authorship determines the limit of their influence. Such capable critics[1] as Pauli and Green join in attributing the origin of the "remarkable Latin poems which treat of the leading ideas of the great popular movement and the sudden readiness of the third estate for a genuine constitutional form of government" to members of the order of St. Francis. The stimulative influence of the songs cannot in this case fall far short of the stimulative influence of their authors. The peculiar portability of the rhymed verses, and the close intimacy which existed between all members of the order, would ensure the wide transmission of the songs in their original form; the Friars' genius for preaching would transmute the ardent Latin into the more homely, but scarcely less glowing, native speech, while the general popularity of the Friars would guarantee them a vast audience. The more sublimated ideas might be lost in the process, but the substratum of hard sense would remain and be strengthened by practical applications such as the Friars best knew how to make. And upon the few choice spirits who could appreciate the depth and breadth and force of the original, the refined ideas would work with tenfold power. It is not too much to say that the strongest proof of the demand for the rise of the unrepresented

[1] Pauli, Bilder aus Alt-England, pp. 44, 45, from which the quotation *infra* is taken. Green, History of the English People, I., p. 265.

knighthood and commonalty to a share in the government of the realm — the writ to the parliament of Jan. 20, 1265, excepted — is the remarkable poem *On the Battle of Lewes*.[1] It is the only document which bases, or attempts to base, upon an adequate theory of government the great movement from which the reign of Henry III. derives its chief importance.

The songs of the reign of Henry III. are an especially valuable indication of the temper of the times. In the reign of John the eulogies and elegies which seem to have formed the bulk of the poetical literature in the early Anglo-Norman period had begun already to give way to the political satire.[2] Under Henry III. the movement goes rapidly on. The language changes from Latin to Anglo-Norman or a mixture of both,[3] until finally, when excitement has reached its height and the popular imagination mocks the conquered foe at Lewes, the first extant political poem in the English tongue appears.

> The Kyng of Alemaigne wende do ful wel,
> He saisede the mulne for a castel,

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[1] A summary of this poem is given below, pp. 221–230.

[2] Wright's Pol. Songs, Pref., p. viii. Cf. p. 6.

> Savarics, reis cui cors sofraing
> Greu fara bon envasimen
> E pois a flac cor recrezen
> Jamais nuls hom en el non poing.

This song, though written by the younger Bertrand de Born, and therefore not English, is a fair sample of the early style, and applies to Henry even better than to John.

[3] Pol. Songs, pp. 51–56.

With hare sharpe swerdes he grounde the stel,
He wende that the sayles were mangonel
To helpe Wyndesore.
Richard, thah thou be ever trichard,
Trichen shalt thou never more.[1]

The substance of the poems passes through three stages,[2] corresponding to certain great movements of the reign. The first stage turns from lament to complaint, from complaint to invective; the second demands reform and appeals to individual leaders; the third returns solemn thanks for victory and in impassioned language, but calmly perfect logic, seeks to justify the new basis of the state. But only too soon victory is changed to defeat, and the bursts of joy which hailed de Montfort conqueror and saviour die away into the accents of despair[3] or with deep religious feeling celebrate his martyrdom and enroll his name in the calendar of saints.

Salve, Symon Montis-Fortis,
Totius flos militiæ,
Duras pœnas passus mortis,
Protector gentis Angliæ.[4]

Without exception the songs of the whole period are on the popular side, a noble illustration of the position

[1] The whole poem is in Wright's Pol. Songs, pp. 69, 70. Wende = thought; trichard = deceiver.

[2] 1216–1258; 1258–1263; 1263–1272.

[3] Wright's Pol. Songs, pp. 125–127. Lament for Simon de Montfort, — "Més par sa mort, le cuens Mountfort conquist la victorie, Come ly martyr de Caunterbyr, finist sa vie."

[4] Pol. Songs, p. 124. Cf. for slightly different reading, Rish. Chronicon, pp. 109, 110, with addition of "Ora pro nobis, beati Symon! ut digni efficiamur promissionibus Christi."

of the church and the national hero-worship of de Montfort. They touch upon purely secular abuses, but religious questions are their chief concern. They lament the lawlessness of the times and the growing infidelity;[1] they censure the avarice of Rome, where

> Munus et petitio currunt passu pari,
> Nummus eloquentia gaudet singulari.[2]

The debasement of the clergy as a spiritual body, the vitiation of the teachings of the church through the introduction of doctrines of expediency, and the consequent scorn of the clergy as entertained by the people are shown to be among the far-reaching results of universal venality.[3] The church falls, therefore, a helpless prey to the rapacity of pope and king, who unite their efforts to impoverish it.[4] "The king does not act wisely; living upon the robbery of Holy

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[1] Pol. Songs, p. 47. Mundi status hodie multum variatur, Semper in deterius misere mutatur. . . . Rex et regni proceres satis sunt amari; Omnes fere divites nimis sunt avari; Pauper pauca possedens debet depilari, Et ut ditet divitem rebus spoliari. P. 48. Regnat nunc impietas, pietas fugatur; Nobilisque largitas procul relegatur . . . Fidei perfidia jam parificatur.

[2] Cf. Pol. Songs, pp. 30, 31. Coram cardinalibus, coram patriarcha, Libra libros, reos res, Marcum vincit marca. To multiply examples is endless. P. 30. Roma, turpitudinis jacens in profundis, Virtutes præposterat opibus inmundis . . . *mutat quadrata rotundis.*

[3] Pol. Songs, p. 31. Roma cunctos erudit ut ad opus transvolent. P. 33. Non tam verbis inhiant quam famæ docentis.

[4] Pol. Songs, p. 43. Li rois ne l'apostoile ne pensent altrement, Mès coment au clers tolent lur or e lur argent. Co est tute la summe, Ke la pape de Rume Al rey trop consent, Pur aider sa curune La dime de clers li dune — De co en fet sun talent.

Church he knows he cannot thrive."[1] About seven years after these last lines were written, their corollary appeared; — Simon de Montfort is a tower of strength —

> Ce voir, et je m'acort
> Il eime dreit, et het le tort,
> Si avera la mestrie.[2]

The prophecy was speedily fulfilled at Lewes.

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[1] Pol. Songs, p. 44.

[2] *Ibid.*, p. 61. Date is probably 1263. The preceding was evidently written during the Sicilian exactions.

PART II

The Alienation of London from the Crown

Even in the days of William the Conqueror the city of London was of sufficient importance for him to think it wise to confirm its privileges by royal charter,[1] and since that time it had been steadily growing in political power and influence. One privilege after another had been accorded to it, until its position among the English cities had become unique. Even John, during the early years of his reign, had wooed it zealously and sought to beautify it.[2] The immediate result of his unwise change of policy had been the adhesion of the city to the barons, which in turn was followed by a great defection from the royal party; three weeks later John found himself compelled to sign the Magna Charta.[3] In this document London received additional proofs of its great importance: its mayor became one of the Charter's chosen guardians; it obtained the same privileges as the barons in the imposition of aids; and in common with other cities and towns it received the confirmation of its ancient liberties and customs.[4]

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[1] Sel. Chart., pp. 82, 83.

[2] Pauli, Gesch. von Eng., III., p. 484.

[3] Stubbs' Const. Hist., I, p. 569. Cf. Pauli, Gesch. von Eng., III., p. 432.

[4] Sel. Chart., arts. 12, 13, pp. 298, 306. Stat. of Realm, I., p. 10. Rymer, I., p. 131.

With that shortsightedness, however, which was one of his characteristics, Henry III., disdaining the object-lesson which his father had received, not only refrained from conciliating the city but entered upon a course of action which bore him evil fruit in the days of the Barons' War. To rehearse the many indignities and injuries which he heaped upon the luckless city would be tedious. The pages of Matthew Paris and of the Book of the Ancient Laws [1] abound in instances. Nor is it necessary to trace the source of his behaviour; on one side, it was his chronic poverty, and on the other, his besetting vice of favouritism.

The latter led him to champion the cause of the Abbey of Westminster against the privileges of the city and incidentally to interfere seriously with the course of trade. Personal wrongs, such as Mayor Gerard Bat [2] had suffered, might be forgiven or passed over from fear, but by a certain transaction in the year 1248 Henry roused the lasting resentment of every tradesman in the city. It was his custom to celebrate the yearly feast of Edward the Confessor at Westminster; to make the occasion as magnificent as possible, and at the same time to favour his pet abbey, he established there a two weeks' fair. To ensure variety of merchandise and a large attendance, he

[1] Ant. Leg., pp. 8, 10, 14–16, 19–23, 25, 30–37, etc.

[2] Elected mayor in 1240. Henry refused to confirm him unless he would renounce the usual salary of £40. His pitiful reply to this demand — "Alas, my lord! out of this sum my daughter could have had a marriage portion" — so roused Henry's wrath that Bat was forced to resign altogether. Ant. Leg., p. 8. Mat. Par., IV., pp. 94, 95.

next decreed that at this time no other fairs should be held in England, and that on pain of forfeiture, no goods should be sold in London, whether under roof or in the open air. The throngs which came to Westminster answered the royal expectation, but the accommodations offered to the merchants were insufficient. The ground was muddy, and the wares, inadequately protected by mere canvas booths, were seriously injured.[1] Four years later a repetition of this process, under still more disadvantageous circumstances and with still more injurious results, roused the stings of memory and reawakened the ire of all.[2]

Midway between these two events, in the year 1250, there had occurred another breach between Westminster and London. Henry had endeavoured to force a deputation of the citizens to make important concessions to the abbot in exchange for certain privileges already theirs by right. They pleaded their inability to comply without the consent of the commune, whereupon the angry king suspended the action of the charter and took the administration of the city into his own hand.

The citizens then had recourse to Richard of Cornwall, Simon de Montfort, and other magnates of the council, with the result that these, fearing for their

[1] Mat. Par., V., pp. 28, 29. Ant. Leg., p. 14. This same affair damaged the fair of Ely. Mat. Par., V., pp. 29, 433.

[2] Mat. Par., V., pp. 333, 334. Nec pepercit eisdem propter hiemalis intemperiei inclementiam, lutum, pluviam, et loci ineptitudinem, quin tentoriis stare cogerentur. Exponere igitur jussit ipsis invitis merces suas, . . . non veritus omnium imprecationes, etc.

own immunities and vested rights, caused the decree to be annulled.[1] Here, apparently, begins Simon's friendly connection with this important factor in the later troubles of the reign; it was years afterward, when London and the barons were formally leagued for resistance, that this old suit between the city and Westminster was finally decided in favour of the former.[2] The happy coincidence could scarcely fail to strengthen Leicester's influence and power.

Although many examples of ill-treatment occur in the earlier part of his independent reign, yet Henry first seems to have adopted spoliation as a definite policy in the year 1248. Pecuniary aid having been positively refused by the July parliament of that year — on the ground of the impoverishment of the realm for aliens and the refusal of the king to appoint the three great officers of state[3] — Henry turned in despair to his foreign councillors, accused them of having brought him to this pass, and demanded their advice. It was resolved that he should sell his plate, "For," said the crafty aliens, "as all rivers flow back into the sea, so all those things which now are sold, will return to you as gifts." After the sale was over and the king had learned that London was the purchaser, he petulantly exclaimed: "Of a verity, if the treasure of

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[1] Ant. Leg., pp. 15, 16. Mat. Par., V., pp. 127, 128. Regali autem voluntati, immo potius impetui et deliramento, restitit in quantum potuit major civitatis cum tota communa unanimiter.

[2] Ant. Leg., pp. 57, 58. In 1263.

[3] Mat. Par., V., pp. 20, 21.

Octavian[1] were up for sale, the city of London would absorb it all; these loutish Londoners are rich and call themselves 'barons' to the point of nausea; that city is an unexhausted well of wealth." He forthwith conceived the plan of seizing frivolous pretexts for despoiling the citizens of their goods.[2] From this time on, the city was tallaged without mercy,[3] gifts were wrung from individual citizens, and the court, through the exaction of enormous prises, lived upon the plunder of the town.[4] The tide of misgovernment, which showed itself in the realm at large in the non-obstante clauses of papal bulls and continual violations of the Charters of Liberty, displayed itself in London by the violation of the city-charter and its frequent suspension for repurchase.[5] On at least one occasion, the dictates of a false policy led the monarch to construe as the payment of a customary debt[6] the gifts which the love of the citizens had been wont to give him on his return from a protracted absence; and his necessities drove

[1] *Vide* Mat. Par., IV., p. 624.

[2] Mat. Par., V., pp. 21, 22. The words "puteus inexhaustus" forcibly remind one of Innocent's speech at Lyons. Mat. Par., IV., pp. 546, 547. The policies in fact were identical, and led to similar results. For frivolous pretexts, *vide* (ex grege) Ant. Leg., p. 22. Mat. Par., V., p. 486.

[3] Ex grege, Mat. Par., V., pp. 101, 333, 568, 663. Rymer, I., p. 316.

[4] Ant. Leg., pp. 8, 16. Mat. Par., V., pp. 199, 485.

[5] Ant. Leg., pp. 19–22, 30–37, *et passim*.

[6] Mat. Par., V., pp. 485, 486. Et eidem adventanti centum libras, quod propter frequentiæ continuationem jam in debitam vertebat dom. rex consuetudinem, optulerunt, etc. . . . et sic xenium accepit, nec sereno, ut decuit, vultu acceptavit. Cf. V., p. 199. Non tanquam gratuita, sed jam quasi debita postulare.

him to exorbitant demands for presents which his insatiable greed prevented him from receiving with even a decent grace. Then, too, the pettiness of his nature caused him to inflict injuries which had not even the poor excuse of filling a temporary gap in the treasury, but which continued to sting and rankle long after they had passed out of the memory of their author. When, for instance, the king assumed the cross in solemn state at Westminster, in the year 1252, and but few of the citizens followed his example (for from long experience they scented this new device for getting money), he fell into a rage and called them baseborn money-grubbers.[1] An expression more offensive to high-spirited burghers would be hard to find. In the very year of the Mad Parliament, at a time when men were wont to gather in little knots at the street-corners, and when the most fantastic rumour became the basis for demands of vengeance, royal injustice brought Ralph Hardel, the mayor of the city, down with sorrow to the grave.[2] In the same year, while famine prevailed throughout all England and France;[3] while London was overcrowded with starving men and women fleeing from death in the

[1] Mat. Par., V., p. 282. Et objurgans vocavit Londonienses ignobiles mercenarios.

[2] Mat. Par., V., p. 675. Cives Londonienses, qui graviter de quibusdam enormitatibus coram rege accusabantur, redempti et multiformiter puniti, vex reconciliantur. Maximus autem eorum, sc. Radulphus Hardel, præ dolore obiit, qui major extitit. For the events which led to this, in which the king seems to have been guilty of the grossest chicanery, *vide* Ant. Leg., pp. 30–37.

[3] Fabyan's Chronicles, p. 343. Nangis, Chronique Latine, I., p. 219.

country-districts; while thousands were perishing in the city, and the rich were proclaiming by herald where bread might be obtained as a gift; when without the timely arrival of corn-ships sent from Germany by Richard, the king of the Romans, the people of the city must have perished from hunger; — at this time Henry attempted to seize the golden grain for his own use, and was forced by the law to surrender his plunder.[1]

During the anxious years between the parliament of Oxford and the end of the sharp campaign of 1263, when the citizens were being courted by the baronial party and the Commons were awaking to a sense of political power never enjoyed before, the citizens were dwelling beneath the shadow of a Tower which they rightly considered the stronghold of oppression,[2] and which, they knew, was fortified against them by means of their own wealth. At the very crisis of the struggle Prince Edward had craftily entered the New Temple, with iron hammers broken open the treasure-chests kept there, and carried off £1000 with which to pay his mercenary troops at Windsor.[3] Slight ground for wonder, then,

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[1] Mat. Par., V., pp. 673, 674, 693, 694, 702, 710, 711, 728. Ant. Leg., p. 37. Fabyan, p. 341. Cf. Pauli, Gesch. von Eng., III., 714 and n. 4.

[2] Cf. Mat. Par., IV., pp. 93, 94. Erant (mœnia Turris) autem eis quasi spina in oculo. Audierant itaque minas objurgantium quod constructa erant memorata mœnia in eorum contumeliam, ut si quis eorum pro libertate civitatis certare præsumeret, ipsis recluderetur, vinculis mancipandus. (1241.)

[3] Dunst., p. 222.

that the Commons hailed the entrance of the barons with relief and joy, and that when the time for action came, fifteen thousand of the citizens sallied forth to battle for the right at Lewes.[1]

[1] Rish. Chronicon, p. 27.

CURRICULUM VITAE

Oliver Huntington Richardson was born on the 10th of December, 1866, in Providence, Rhode Island, U.S.A., where his father, Elias H. Richardson, was pastor of an evangelical Protestant church. After preparing for college in the High School of New Britain, Connecticut, he entered the Academic Department of Yale University in 1885, graduating as Bachelor of Arts in 1889. He then became, during 1889–1890, Instructor in History and Political Economy in Colorado College, in the state of Colorado, U.S.A. After two years of study in Europe, partly at Heidelberg, he occupied the Chair of History in Drury College, located in Springfield, Missouri, U.S.A., for three years, 1892–1895. Obtaining leave of absence for two years, he then became a candidate for the degree of Doctor of Philosophy at the Ruprecht-Karl University at Heidelberg.

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